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| EXAMINER |
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FIDLER, SHELBY LEE

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2861

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/698,511 | Applicant(s) RIOU ET AL. | |
| | Examiner Shelby Fidler | Art Unit 2861 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17-22 and 27-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-22 and 27-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 41 recites the limitation "the plurality of fins" in line 1. There is insufficient antecedent basis for this limitation in the claim. For the purpose of examination, Examiner assumes that claim 41 should depend from claim 40.

Claim 41 is objected to because of the following informalities: Please change the recitation "and having a first dimension" to "and have a first dimension" so that the modifying verbs agree. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-10, 12-14, 18-22, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 6176563 B1) in view of Hirabayashi et al. (US 6203138 B1) and Kim et al. (US 6101356).

Regarding claim 1:

Anderson et al. disclose a printing system comprising:

an ink dispenser (printhead 104, Fig. 1) configured to deposit ink upon a print medium (col. 4, lines 9-11);

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a condenser (condensation element 126, Fig. 1) configured to condense vapor into a condensate (col. 4, lines 31-33);

a receptacle (reservoir 112, Fig. 1) configured to collect the condensate (col. 4, lines 28-31); and

an inlet through which the condensate flows into the receptacle (inlet is inherent with the invention of col. 4, lines 28-31 and Fig. 1).

Anderson et al. do not expressly disclose that the receptacle is perforated to permit a portion of the condensate to evaporate, or that the receptacle is removably coupled to a remainder of the system.

However, Hirabayashi et al. disclose that the receptacle (waste ink pack 17, Fig. 2) is perforated to permit a portion of the condensate to evaporate (col. 14, lines 7-10 and Fig. 11), and that the receptacle is removably coupled to a remainder of the system (col. 8, lines 14-18).

Anderson et al. as modified by Hirabayashi et al. do not expressly disclose that the receptacle includes a closing portion that is movable between an inlet open position and an inlet closing position.

However, Kim et al. disclose a closing portion movable between an inlet open position and an inlet closing position (col. 8, lines 65-67).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a perforated receptacle (Hirabayashi et al.) and a closing portion into the invention of Anderson et al. The motivation for doing so, as taught by Hirabayashi et al., is to allow evaporation and prevent internal pressure of the container from rising (col. 14, lines 7-10). The motivation for doing so, as taught by Kim et al., is to prohibit condensate movement to the receptacle as the level of condensate rises (col. 9, lines 13-18).

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Regarding claim 2:

Anderson et al. also disclose that the condenser includes:

a conduit having a conduit interior (dye effluent duct 130, Fig. 1);

a coolant source connected to the conduit and configured to supply coolant into the conduit interior (col. 5, lines 15-16) at a temperature so as to condense the vapor along the conduit (col. 5, lines 20-26).

Regarding claim 3:

Anderson et al. also disclose that the coolant source is configured to supply a liquid (cooling fluid) at a temperature so as to condense the vapor along the conduit (col. 5, lines 15-18).

Regarding claim 4:

Anderson et al. also disclose that the coolant source is configured to supply a gas (cooling fluid) at a temperature so as to condense the vapor along the conduit (col. 5, lines 15-18).

Regarding claim 7:

Anderson et al. also disclose that the coolant source includes:

a pump (pump 620, Fig. 6) configured to move fluid (col. 6, lines 64-67);

a cooling device (compressor 706, Fig. 6) configured to cool the fluid to the temperature (col. 5, lines 51-56).

Regarding claim 8:

Anderson et al. also disclose that the cooling device includes a compressor (compressor 706, col. 5, lines 51-56).

Regarding claim 9:

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Anderson et al. also disclose that the condenser includes a thermoelectric module (col. 5, lines 33-34).

Regarding claim 10:

Anderson et al. also disclose a blower configured to move the vapor along the condenser (col. 7, lines 5-9).

Regarding claim 12:

Hirabayashi et al. also disclose that the receptacle includes a condensate-absorbing material (ink absorption member 16) within the receptacle (col. 6, lines 12-16).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a condensate-absorbing material into Anderson et al.'s invention. The motivation for doing so, as taught by Hirabayashi et al., is to absorb and hold the waste so as to prevent it from leaking outside (col. 7, lines 43-45).

Regarding claim 13:

Hirabayashi et al. also disclose that the condensate-absorbing material is removable from the receptacle (col. 6, lines 19-22).

Regarding claim 14:

Hirabayashi et al. also disclose that the condensate-absorbing material comprises foam (col. 6, lines 22-24).

Regarding claim 18:

Anderson et al. also disclose that the ink dispenser includes an inkjet printhead (col. 4, lines 9-11).

Regarding claim 19:

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Anderson et al. also disclose a media handling system configured to transport individual sheets of material relative to the ink dispenser (col. 4, lines 6-8).

Regarding claim 20:

Anderson et al. also disclose that the media handling system is configured to handle sheets of material having a minor dimension less than 9 inches (col. 4, lines 6-8; recording sheets are known to have a thickness of less than 9 inches).

Regarding claim 21:

Anderson et al. also disclose that the handling system is configured to stack the individual printed upon sheets (output tray 414, Fig. 4).

Regarding claim 22:

Anderson et al. also disclose a heater (dryer 128) configured to heat the deposited ink, whereby vapor is produced (col. 4, lines 44-50).

Regarding claim 43:

Anderson et al. also disclose one or more conduits (117) that are configured to direct all of the condensate from the condenser to the receptacle (col. 4, lines 28-31).

Examiner notes that Anderson et al. may also use a return duct (131). However, Anderson et al. discloses that this is optional and that the return duct only returns dry air, and not condensate (col. 4, lines 56-59).

Claims 5, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. in view of Hirabayashi et al. and Kim et al., as applied to claims 1 and 2 above, and further in view of Hoffman et al. (US 6771916 B2).

Regarding claim 5:

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Anderson et al. as modified by Hirabayashi et al. and Kim et al. disclose all claimed limitations except that the condenser includes a fin thermally coupled to the conduit.

However, Hoffman et al. disclose a condenser that includes a fin thermally coupled to the conduit (col. 24, lines 40-43).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a fin in the condenser of Anderson et al. modified by Hirabayashi et al. and Kim et al. The motivation for doing so, as taught by Hoffman et al., is to radiate heat from the condenser (col. 7, lines 9-11).

Regarding claim 40:

Hoffman et al. also disclose that the condenser includes a plurality of fins thermally coupled to the thermoelectric module (col. 7, lines 9-11).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. in view of Hirabayashi et al. and Kim et al., as applied to claim 1 above, and further in view of Garcia et al. (US 6076913).

Regarding claim 6:

Anderson et al. as modified by Hirabayashi et al. and Kim et al. disclose all claimed limitations except that the receptacle includes means for automatically occluding the inlet when disconnected from a remainder of the printing system.

However, Garcia et al. disclose a receptacle (104) that includes an inlet (118) and means for automatically occluding the inlet (116) when disconnected from a remainder of the printing system (col. 5, lines 43-48).

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At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a means automatically occluding the inlet into the receptacle of Anderson et al. modified by Hirabayashi et al and Kim et al. The motivation for doing so, as taught by Garcia et al., is to provide a self-sealing port for the receptacle (col. 5, lines 43-48).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. in view of Hirabayashi et al. and Kim et al., as applied to claim 10 above, and further in view of Sakai (US 6512900 B2).

Regarding claim 11:

Anderson et al. as modified by Hirabayashi et al. and Kim et al. disclose all the limitations of claim 10, and Anderson et al. also disclose a duct proximate the condenser (return duct 131, Fig. 1).

Anderson et al. as modified by Hirabayashi et al. and Kim et al. do not expressly disclose that the duct has an exhaust opening or that there is a filter between the condenser and the exhaust opening.

However, Sakai discloses a duct having an exhaust opening (ventilation opening), and a filter (filter 12, Fig. 1) between the condenser and the exhaust opening (col. 4, lines 13-18).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize an exhaust opening and filter in the invention of Anderson et al. modified by Hirabayashi et al. and Kim et al. The motivation for doing so, as taught by Sakai, is to discharge unliquified vapor and remove particulates (col. 4, lines 14-18).

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Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. in view of Hirabayashi et al. and Kim et al., as applied to claim 1 above, and further in view of Igval et al. (US 6357854 B1).

Regarding claim 17:

Anderson et al. as modified by Hirabayashi et al. and Kim et al. disclose all claimed limitations except that the receptacle includes a fill indicator configured to indicate a volume of the receptacle that is filled with condensate.

However, Igval et al. disclose a receptacle that includes a fill indicator configured to indicate a volume of the receptacle that is filled with condensate (col. 2, lines 4-10).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a fill indicator in the receptacle of Anderson et al. modified by Hirabayashi et al. and Kim et al. The motivation for doing so, as taught by Igval, is to monitor the amount of waste ink in the tank to prevent overflows (col. 2, lines 4-6).

Claims 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 6176563 B1) in view of Garcia et al. (US 6076913).

Regarding claim 27:

Anderson et al. disclose means for depositing ink upon a print medium (col. 4, line 9); means for condensing vapor to form a condensate (condenser 126, Fig. 1); and means for storing the condensate (fluid reservoir 112, Fig. 1) wherein the means for storing includes an inlet (inlet is inherent with the invention of col. 4, lines 28-31 and Fig. 1).

Anderson et al. do not expressly disclose means for means for automatically occluding the inlet when disconnected from a remainder of the printing system.

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However, Garcia et al. disclose a receptacle (104) that includes an inlet (118) and means for automatically occluding the inlet (116) when disconnected from a remainder of the printing system (col. 5, lines 43-48).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a means automatically occluding the inlet into the receptacle of Anderson et al. The motivation for doing so, as taught by Garcia et al., is to provide a self-sealing port for the receptacle (col. 5, lines 43-48).

Regarding claim 29:

Anderson et al. also disclose means for heating the deposited ink, whereby vapor is formed (col. 4, lines 44-50).

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 6176563 B1) in view of Garcia et al. (US 6076913), as applied to claim 27 above, and further in view of Hirabayashi et al. (US 6203138 B1).

Regarding claim 28:

Anderson et al. as modified by Garcia et al. disclose all claimed limitations except that the means for storing includes means for evaporating a portion of the condensate while the condensate is being stored.

However, Hirabayashi et al. disclose means for storing includes means for evaporating a portion of the condensate while the condensate is being stored (col. 14, lines 7-10 and Fig. 11)

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a perforated receptacle in the invention of Anderson et al.'s modified by Garcia et

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al. The motivation for doing so, as taught by Hirabayashi et al., is to allow evaporation and prevent internal pressure of the container from rising (col. 14, lines 7-10).

Claims 30, 33-36, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkly (US 6397488 B1) in view of Hirabayashi et al. (US 6203138 B1).

Regarding claim 30:

Brinkly discloses depositing ink upon the medium (col. 5, lines 31-32);

heating the deposited ink to create vapor (col. 4, lines 47-50);

condensing the vapor into a condensate (col. 5, lines 45-46); and

collecting the condensate in a first receptacle (col. 5, lines 46-47).

Brinkly does not expressly disclose absorbing at least a portion of the condensate into a first absorption member within the first receptacle.

However, Hirabayashi et al. disclose absorbing at least a portion of waste liquid into a first absorption member (16) within a first receptacle (col. 6, lines 12-24).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize an absorbing member in Brinkly's receptacle. The motivation for doing so, as taught by Hirabayashi et al., is to absorb and hold the condensate so as to prevent the condensate from leaking outside (col. 7, lines 43-45).

Regarding claim 33:

Hirabayashi et al. also disclose evaporating a portion of the waste liquid within the first receptacle (col. 14, lines 7-10).

Regarding claim 34:

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Hirabayashi et al. also disclose replacing the first absorption member with a second absorption member (col. 6, lines 19-22 and col. 8, lines 5-21).

Regarding claim 35:

Hirabayashi et al. also disclose replacing the first receptacle with a second receptacle when the first receptacle is filled (col. 7, lines 55-62).

Regarding claim 36:

Hirabayashi et al. also disclose sending the receptacle, at least partially filled with condensate, to a collection entity for disposal of the condensate (col. 6, lines 19-22).

Regarding claim 39:

Brinkly also discloses ejecting ink from an inkjet printhead upon the medium (col. 1, lines 13-17 and col. 3, lines 47-48).

Claims 31, 32, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkly (US 6397488 B1) in view of Hirabayashi et al. (US 6203138 B1), as applied to claim 30 above, and further in view of Anderson et al. (US 6176563 B1).

Regarding claim 31:

Brinkly as modified by Hirabayashi et al. disclose all claimed limitations except circulating a fluid through a thermally conductive conduit having a condensing surface to cool the condensing surface to a temperature to condense the vapor.

However, Anderson et al. disclose circulating a fluid through a thermally conductive conduit having a condensing surface to cool the condensing surface to a temperature to condense the vapor (col. 5, lines 15-27).

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At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a circulating fluid in the invention of Brinkly modified by Hirabayashi. The motivation for doing so, as taught by Anderson et al., is to transfer heat from the ambient air to the fluid (col. 3, lines 12-15).

Regarding claim 32:

Brinkly as modified by Hirabayashi et al. disclose all claimed limitations except powering a thermoelectric module having a cool portion and a hot portion, wherein the cool portion is thermally coupled to a condensing surface along which the vapor is condensed.

However, Anderson et al. disclose powering a thermoelectric module (col. 5, line 33-36) having a cool portion (element 330, Fig. 3) and a hot portion (element 328, Fig. 3), wherein the cool portion is thermally coupled to a condensing surface along which the vapor is condensed (col. 5, lines 37-40).

Regarding claim 38:

Brinkly as modified by Hirabayashi et al. disclose all claimed limitations except directing the vapor across a condensing surface and through a filter.

However, Anderson et al. disclose directing the vapor across a condensing surface (col. 4, lines 31-33) and through a filter (col. 4, lines 39-41).

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkly (US 6397488 B1) in view of Hirabayashi et al. (US 6203138 B1), as applied to claim 30 above, and further in view of Igval et al. (US 6357854 B1).

Regarding claim 37:

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Brinkly as modified by Hirabayashi et al. disclose all claimed limitations except sensing the amount of condensate within the first receptacle.

However, Igval et al. disclose sensing the amount of condensate within the first receptacle (col. 2, lines 4-10).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to send the used receptacle for disposal in the invention of Brinkly modified by Hirabayashi. The motivation for doing so, as taught by Igval et al., is to monitor the amount of waste ink in the tank to prevent overflows (col. 2, lines 4-6).

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. as modified by Hirabayashi et al., Kim et al., and Hoffman et al., as applied to claim 40 above, and further in view of Suzuki et al. (US 5073796).

Regarding claim 41:

Anderson et al. as modified by Hirabayashi et al., Kim et al., and Hoffman et al. disclose all the limitations of claim 40, and Anderson et al. also disclose that the inlet side of the condenser is proximate the ink dispenser (Figs. 1 and 3).

Anderson et al. as modified by Hirabayashi et al., Kim et al., and Hoffman et al. do not expressly disclose that the plurality of fins converge from an inlet side and have a first dimension to an outlet side distant the ink dispenser and have a second smaller dimension.

However, Suzuki et al. disclose a plurality of fins (119) converging from an inlet side (Figs. 2 and 4) and have a first dimension to an outlet side distant the ink dispenser and have a second smaller dimension (the distance from the fins 119 to the outlet is greater than the thickness of the fins 119; Figs. 2 and 4).

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At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a plurality of fins converging from an inlet side of the condenser into the invention of Anderson et al. as modified by Hirabayashi et al., Kim et al., and Hoffman et al. The motivation for doing so, as taught by Suzuki et al., is so that the fins can make more air contact for heat exchange (col. 5, lines 4-7).

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. as modified by Hirabayashi et al. and Kim et al.; as applied to claim 1 above, and further in view of Suzuki et al. (US 5073796).

Anderson et al. as modified by Hirabayashi et al. and Kim et al. disclose all the limitations of claim 1, and Anderson et al. also disclose that the inlet side of the condenser is proximate the ink dispenser (Figs. 1 and 3).

Anderson et al. as modified by Hirabayashi et al. and Kim et al. do not expressly disclose that the plurality of fins converge from an inlet side and have a first dimension to an outlet side distant the ink dispenser and have a second smaller dimension.

However, Suzuki et al. disclose a plurality of fins (119) converging from an inlet side (Figs. 2 and 4) and have a first dimension to an outlet side distant the ink dispenser and have a second smaller dimension (the distance from the fins 119 to the outlet is greater than the thickness of the fins 119; Figs. 2 and 4).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a plurality of fins converging from an inlet side of the condenser into the invention of Anderson et al. as modified by Hirabayashi et al., Kim et al. The motivation for doing so, as

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taught by Suzuki et al., is so that the fins can make more air contact for heat exchange (col. 5, lines 4-7).

Response to Arguments

Applicant's arguments filed 10/9/2006 have been fully considered but they are not persuasive.

In response to applicant's argument, with respect to claims 1-4, 7-10, 12-14, and 18-22, that neither the Hirabayashi nor the Kim references teach a condensate receiving receptacle, Examiner would like to point out that the Hirabayashi reference was used only to teach a removable receptacle within a printing apparatus, while the Kim reference was used only to teach a closing portion movable between an inlet open position and an inlet closing position. The Anderson reference was used to teach a receptacle for the purpose of collecting condensate. Examiner would like to note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the resulting combination of Anderson as modified by Hirabayashi would not disclose a removable condensate receiving receptacle, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

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In response to applicant's argument, with respect to claims 27 and 29, that Garcia fails to disclose means for storing condensate which may be disconnected from the remainder of the system, Examiner would like to point out that the Garcia reference was used only to teach a means for automatically occluding an inlet when disconnected from a printing system. The Anderson reference was used to teach a means for storing condensate that includes an inlet. Examiner would like to note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the resulting combination of Anderson as modified by Garcia would not disclose a removable storing means for automatically occluding an inlet of the storing means when the storing means is disconnected from the system, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Examiner would like to note some structural similarities between the Anderson reference and the Garcia reference. Both references disclose a receptacle within a printing apparatus that receives a waste liquid (condensate and ink, respectively). Both references disclose an inlet in the receptacle, and a passageway leading to the inlet. Therefore, upon reading both the Anderson and Garcia references, it would have been obvious to a person of

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ordinary skill in the art to utilize means for automatically occluding Anderson's inlet, for the purpose stated in the rejection.

In response to applicant's argument, with respect to claims 30, 33-36, and 39, that the Hirabayashi reference does not disclose absorbing condensate in an absorption member within a receptacle since Hirabayashi does not disclose a condensate receiving receptacle, Examiner would like to point out that the Hirabayashi reference was used only to teach the absorption of a received material. The Brinkly reference was used to teach a receptacle that receives condensate. Examiner would like to note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the resulting combination of Brinkly as modified by Hirabayashi would not teach a printing system having a condensate receiving receptacle with an absorption member for absorbing condensate, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Communication with the USPTO


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelby Fidler whose telephone number is (571) 272-8455. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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AU 2861



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PRIMARY EXAMINER